

HOUSE JOURNAL

SEVENTY-SEVENTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

THIRTY-NINTH DAY — TUESDAY, MARCH 20, 2001

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 49).

Present — Mr. Speaker; Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Hilbert.

The invocation was offered by Reverend Mike Loftin, pastor, Church of God, Trinity, as follows:

Precious Savior, we want to thank you for bringing us to this place. A place of rich history where decisions are made that affect the people of this state.

We know that all good things come from you, so we ask for your blessings upon each representative present here today.

We pray that you will direct them according to your divine will. We ask that you breathe into us a spirit of unity to accomplish the tasks set before us for our great state. Let us realize that our agendas are secondary to your will and the need of the people, so direct our thoughts we pray.

I pray for our country and our leaders. Let them find your direction and let them follow accordingly. May our president be led by you, dear Lord, as you direct his paths. Give him courage and strength to accomplish all that you have placed before him.

Father, I ask that you give wisdom to those who hold our future in their hands. Impress upon them the seriousness of the tasks before them and remind them of the faith of those who trust them to do what is right for "we the people."

We ask for courage to change those things that need to be changed. Courage to stand for what is right and to denounce those that are wrong.

Lastly, Father, I ask for the four things that Jabez prayed for in First Chronicles Chapter Four: 1) Lord, bless us indeed; 2) Lord, strengthen our territory; 3) place your hand upon us; 4) keep us from evil.

Now the God of Peace, make you perfect in every good work to do his will, working in you that is well pleasing in his sight, through Christ Jesus; to whom be glory for ever and ever. Amen.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 21).

CAPITOL PHYSICIAN

The speaker recognized Representative F. Brown who presented Dr. Antony Anderson of Bryan as the "Doctor for the Day."

The house welcomed Dr. Anderson and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

HCR 194 - ADOPTED

(by R. Lewis)

Representative R. Lewis moved to suspend all necessary rules to take up and consider at this time **HCR 194**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 194, In memory of Stella Mae Schroeder of Brenham.

HCR 194 was read and was unanimously adopted by a rising vote.

INTRODUCTION OF GUESTS

The speaker recognized Representative R. Lewis, who introduced the family of Stella Mae Schroeder.

HR 446 - ADOPTED

(by Ellis)

Representative Ellis moved to suspend all necessary rules to take up and consider at this time **HR 446**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 446, In memory of Morris Clemmons of Woodville.

HR 446 was read and was unanimously adopted by a rising vote.

INTRODUCTION OF GUESTS

The speaker recognized Representative Ellis, who introduced the family of Morris Clemmons.

HR 577 - ADOPTED (by Allen)

Representative Allen moved to suspend all necessary rules to take up and consider at this time **HR 577**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 577, In memory of Christine Mae Blubaugh of Grand Prairie.

HR 577 was read and was unanimously adopted by a rising vote.

INTRODUCTION OF GUEST

The speaker recognized Representative Allen, who introduced Debra Blubaugh, the mother of Christine Mae Blubaugh.

HCR 178 - ADOPTED (by Hunter, Wise, E. Jones, Chavez, and Dukes)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HCR 178**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 178, Honoring supporters of the arts at the Texas Medal of Arts Awards on March 20, 2001.

HCR 178 was read and was adopted without objection.

On motion of Representative E. Jones, the names of all the members of the house were added to **HCR 178** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Hunter, who introduced winners of the Texas Medal of Arts Award: pianist Van Cliburn for lifetime achievement; Horton Foote for literary arts; Neil Hess for theater; Flaco Jimenez and Santiago Jimenez, Jr., for folk arts; Wayne Bell for architecture; Gilberto Zepeda, Jr., for arts education; Tommy Lee Jones for film; and Jack Blanton for individual arts patron.

HR 574 - ADOPTED (by Bonnen and Uher)

Representative Bonnen moved to suspend all necessary rules to take up and consider at this time **HR 574**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 574, Recognizing March 20, 2001, as Brazoria County Day at the Capitol.

HR 574 was read and was adopted without objection.

INTRODUCTION OF GUESTS

The speaker recognized Representative Bonnen, who introduced a delegation from Brazoria County.

HR 483 - ADOPTED (by Uher)

Representative Uher moved to suspend all necessary rules to take up and consider at this time **HR 483**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 483, Honoring David L. "Tex" Hill of San Antonio.

HR 483 was read and was adopted without objection.

On motion of Representative Chisum, the names of all the members of the house were added to **HR 483** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Uher, who introduced David L. "Tex" Hill and his wife, Daisy.

HR 564 - ADOPTED (by Ramsay)

Representative Ramsay moved to suspend all necessary rules to take up and consider at this time **HR 564**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 564, Honoring the members of the Mt. Pleasant Leadership Group for their civic contributions.

HR 564 was read and was adopted without objection.

HCR 220 - ADOPTED (by Sadler)

Representative Sadler moved to suspend all necessary rules to take up and consider at this time **HCR 220**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 220, Designating March 19-20, 2001, as Panola County Days at the State Capitol.

HCR 220 was read and was adopted without objection.

INTRODUCTION OF GUESTS

The speaker recognized Representative Sadler, who introduced a delegation from Panola County.

HR 505 - ADOPTED
(by J. Jones)

Representative J. Jones moved to suspend all necessary rules to take up and consider at this time **HR 505**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 505, Commending the South Central Region of Jack and Jill of America, Inc., for its contributions to the positive development of children.

HR 505 was read and was adopted without objection.

INTRODUCTION OF GUESTS

The speaker recognized Representative J. Jones, who introduced members of the South Central Region of Jack and Jill of America, Inc.

(Speaker pro tempore in the chair)

HCR 216 - ADOPTED
(by Christian)

Representative Christian moved to suspend all necessary rules to take up and consider at this time **HCR 216**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 216, Honoring Dr. Joe Wesley Dickerson of Jasper on being named Mr. East Texas.

HCR 216 was adopted without objection.

(Speaker in the chair)

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Uher and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

CONSTITUTIONAL AMENDMENTS CALENDAR
HOUSE JOINT RESOLUTIONS
SECOND READING

The following resolutions were laid before the house and read second time:

HJR 47 ON SECOND READING
(by Madden and Crownover)

HJR 47, A joint resolution proposing a constitutional amendment authorizing the cancellation of an election to fill a vacancy in the legislature when a candidate is running unopposed.

A record vote was requested.

HJR 47 was adopted by (Record 50): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert.

Absent — Crownover; Lewis, R.; Martinez Fischer; Wise.

STATEMENT OF VOTE

When Record No. 50 was taken, I was in the house but away from my desk. I would have voted yes.

Crownover

HJR 53 ON SECOND READING (by Cook)

HJR 53, A joint resolution proposing a constitutional amendment granting the legislature authority to release the state's interest in land that is held by a person in good faith under color of title.

A record vote was requested.

HJR 53 was adopted by (Record 51): 146 Yeas, 1 Nay, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel;

Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Smith; Smith; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Nay — Shields.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert.

Absent — Hinojosa.

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**HB 42 ON THIRD READING
(by McClendon, G. Lewis, et al.)**

HB 42, A bill to be entitled An Act relating to the authority of the Texas Higher Education Coordinating Board to conduct a feasibility study regarding the creation of a doctor of medicine degree program at Prairie View A&M University.

A record vote was requested.

HB 42 was passed by (Record 52): 147 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smith; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert.

Absent — Chavez.

HB 251 ON THIRD READING
(by Keffer and Homer)

HB 251, A bill to be entitled An Act relating to certification of food managers.

Amendment No. 1

Representative Averitt offered the following amendment to **HB 251**:

Amend **HB 251** on third reading in SECTION 1 of the bill, in Section 437.0076, Health and Safety Code, as added by the bill, by inserting new Subsection (f) to read as follows:

(f) A child-care facility, as that term is defined by Section 42.002, Human Resources Code, is exempt from the requirements imposed under this section.

Amendment No. 1 was adopted without objection.

HB 251, as amended, was passed.

HB 445 ON THIRD READING
(by Goodman and G. Lewis)

HB 445, A bill to be entitled An Act relating to the imposition by certain municipalities of a sales and use tax dedicated to street maintenance.

Amendment No. 1

Representative Carter offered the following amendment to **HB 445**:

Amend **HB 445** on third reading as follows:

(1) Strike the following in Section 327.006(a), Tax Code, as added by SECTION 1 of the bill:

The governing body shall call an election if a number of qualified voters of the municipality equal to at least five percent of the number of votes cast in the most recent regular municipal election petitions the governing body to call the election.

(2) Strike Section 327.007, Tax Code, as added by SECTION 1 of the bill and substitute a new Section 327.007 to read as follows:

Sec. 327.007. EXPIRATION OF TAX. (a) The sales and use tax authorized by this chapter expires on the fourth anniversary of the date the tax originally took effect under Section 327.005.

(b) The municipality may not call an election on the question of authorizing a new tax under this chapter before the first anniversary of the date on which the previous tax expired.

(c) The municipality shall notify the comptroller of the scheduled expiration. The comptroller may delay the scheduled expiration date if the comptroller notifies the municipality that more time is required. The comptroller must provide a new expiration date that is not later than the last day of the first calendar quarter occurring after the notification to the comptroller.

Amendment No. 1 was adopted without objection.

A record vote was requested.

HB 445, as amended, was passed by (Record 53): 146 Yeas, 1 Nay, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Nay — Shields.

Present, not voting — Mr. Speaker(C); Hartnett.

Absent, Excused — Hilbert.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 53. I intended to vote present, not voting.

Hilderbran

I was shown voting yes on Record No. 53. I intended to vote present, not voting.

Hupp

HB 753 ON THIRD READING (by Hochberg)

HB 753, A bill to be entitled An Act relating to the degree-granting authority of The University of Texas M. D. Anderson Cancer Center.

A record vote was requested.

HB 753 was passed by (Record 54): 148 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver;

Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert.

HB 780 ON THIRD READING
(by Uher, Clark, and Bonnen)

HB 780, A bill to be entitled An Act relating to the eligibility of a retired peace officer for a license to carry a concealed handgun.

HB 780 was passed.

HB 822 ON THIRD READING
(by Giddings, Pitts, and J. Jones)

HB 822, A bill to be entitled An Act relating to the period during which a justice, municipal, or juvenile court may defer proceedings against certain persons for purposes of attending a teen court program.

HB 822 was passed.

HB 924 ON THIRD READING
(by Walker)

HB 924, A bill to be entitled An Act relating to the authority of a water district or water supply corporation to require the grant of an easement as a precondition of service.

HB 924 was passed.

HB 987 ON THIRD READING
(by Oliveira)

HB 987, A bill to be entitled An Act relating to the authority of certain counties to require water corporations to collect solid waste disposal service fees for the counties.

HB 987 was passed.

HB 1166 ON THIRD READING
(by Denny and Giddings)

HB 1166, A bill to be entitled An Act relating to regulation of the business of selling checks, including electronic checks.

HB 1166 was passed.

HB 1265 ON THIRD READING
(by Clark, Carter, Crownover, E. Jones, and Callegari)

HB 1265, A bill to be entitled An Act relating to clarifications of and technical corrections in certain laws affecting municipalities and counties.

HB 1265 was passed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Local and Consent Calendars, upon adjournment today, E2.024.

GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING

The following bills were laid before the house and read second time:

CSHB 5 ON SECOND READING
(by Dunnam, Hinojosa, Keel, Smith, Wise, et al.)

CSHB 5, A bill to be entitled An Act relating to the deterrence of conduct involving the operation of a motor vehicle while under the influence of an alcoholic beverage; providing a penalty.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Denny on motion of E. Reyna.

CSHB 5 - (consideration continued)

Amendment No. 1

Representative Hill offered the following amendment to **CSHB 5**:

Amend **CSHB 5** as follows:

In Section 2 of the bill, proposed Section 49.031, Penal Code (page 2, line 27 through page 4, line 7, Committee Printing), strike Subsections (e) and (f).

Amendment No. 1 was adopted.

Amendment No. 2

Representative Talton offered the following amendment to **CSHB 5**:

Amend **CSHB 5**, in Section 2 of the bill, proposed Section 49.031(b), Penal Code (page 2, line 14, Committee Printing), by striking "knowingly" and adding "recklessly."

Representative Dunnam moved to table Amendment No. 2.

A record vote was requested.

The motion to table prevailed by (Record 55): 90 Yeas, 56 Nays, 1 Present, not voting.

Yeas — Alexander; Averitt; Bailey; Bosse; Burnam; Capelo; Carter; Chavez; Coleman; Cook; Counts; Crownover; Danburg; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Ellis; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Gray; Gutierrez; Hardcastle; Hawley; Hinojosa; Hochberg; Hodge; Homer; Hopson; Hupp; Janek; Jones, E.; Jones, J.; Junell; Keel; Kitchen; Kolkhorst; Kuempel; Lewis, G.; Lewis, R.; Luna; Martinez Fischer; Maxey; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Morrison; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Ritter; Sadler; Salinas; Solis; Solomons; Telford; Thompson; Tillery; Turner, S.; Uher; Uresti; Walker; West; Wilson; Wise; Wolens; Yarbrough; Zbranek.

Nays — Allen; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Clark; Corte; Crabb; Craddick; Davis, J.; Delisi; Driver; Elkins; Farabee; Goolsby; Green; Grusendorf; Haggerty; Hamric; Hartnett; Heflin; Hilderbran; Hill; Hope; Howard; Hunter; Isett; Keffer; King, P.; King, T.; Krusee; Longoria; Madden; Marchant; McCall; Miller; Mowery; Nixon; Raymond; Reyna, E.; Seaman; Shields; Smith; Smithee; Swinford; Talton; Truitt; Turner, B.; Villarreal; Williams; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Denny; Hilbert.

Absent — Jones, D.

Amendment No. 3

Representative Keel offered the following amendment to **CSHB 5**:

Amend **CSHB 5** by adding a new section to the bill, appropriately numbered, to read as follows, and renumbering subsequent sections accordingly:

SECTION _____. Section 49.11, Penal Code, is amended to read as follows:

Sec. 49.11. PROOF OF MENTAL STATE UNNECESSARY. (a) Notwithstanding Section 6.02(b), proof of a culpable mental state is not required for conviction of an offense under this chapter.

(b) Subsection (a) does not apply to an offense under Section 49.031.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Keel offered the following amendment to **CSHB 5**:

Amend **CSHB 5** by adding a new section to the bill, appropriately numbered, to read as follows, and renumbering subsequent sections accordingly:

Section _____. Section 49.03, Penal Code, is repealed.

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Dutton offered the following amendment to **CSHB 5**:

Amend **CSHB 5**, in Section 2 of the bill, added Section 49.031(d), Penal Code (page 2, line 26, Committee printing), by striking "An offense under this section is a Class C misdemeanor." and substituting "An offense under this section is a misdemeanor punishable by a fine not to exceed \$25. Notwithstanding any law of this state that imposes court costs on a defendant convicted of an offense, including Article 102.075, Code of Criminal Procedure, a person convicted of an offense under this section is not required to pay court costs."

A record vote was requested.

Amendment No. 5 failed of adoption by (Record 56): 33 Yeas, 107 Nays, 1 Present, not voting.

Yeas — Bailey; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Farrar; Gallego; Garcia; Geren; Gutierrez; Hochberg; Hodge; Homer; Hupp; Jones, J.; Kuempel; Lewis, R.; Luna; Madden; Moreno, J.; Moreno, P.; Pickett; Rangel; Reyna, A.; Sadler; Solis; Telford; Thompson; Uher; Uresti; Wilson; Yarbrough.

Nays — Alexander; Allen; Averitt; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Delisi; Driver; Dunnam; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Flores; George; Glaze; Goolsby; Gray; Green; Grusendorf; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hope; Hopson; Howard; Hunter; Isett; Janek; Jones, D.; Jones, E.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Lewis, G.; Longoria; Marchant; Martinez Fischer; Maxey; McCall; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Naishtat; Najera; Nixon; Oliveira; Pitts; Puente; Ramsay; Raymond; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solomons; Swinford; Talton; Tillery; Truitt; Turner, B.; Turner, S.; Walker; West; Williams; Wise; Wohlgemuth; Wolens; Woolley; Zbraneck.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Denny; Hilbert.

Absent — Edwards; Giddings; Goodman; McClendon; Noriega; Olivo; Villarreal.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 56. I intended to vote no.

Kuempel

When Record No. 56 was taken, my vote failed to register. I would have voted no.

Villarreal

CSHB 5 - REASON FOR VOTE

I voted aye on Amendment No. 5 because the bill, as written, technically showed the fine as being per container, rather than per driver.

Now that the issue has been clarified that the fine is per driver, I would vote no.

Hochberg

Amendment No. 6

Representative Garcia offered the following amendment to **CSHB 5**:

Amend **CSHB 5**, in Section 2 of the bill, proposed Section 49.031, Penal Code (on page 4, between lines 7 and 8, Committee Printing), by inserting:

(g) A peace officer charging a person with an offense under this section, instead of taking the person before a magistrate, shall issue to the person a written citation and notice to appear that contains the time and place the person must appear before a magistrate, the name and address of the person charged, and the offense charged. If the person makes a written promise to appear before the magistrate by signing in duplicate the citation and notice to appear issued by the officer, the officer shall release the person.

Amendment No. 6 was adopted without objection.

Amendment No. 7

Representative Nixon offered the following amendment to **CSHB 5**:

Amend **CSHB 5** as follows:

In Section 6 of the bill, amended Section 521.344(b)(2), Transportation Code (page 7, line 11, Committee Printing), strike "five" and substitute "10".

Representative Dunnam moved to table Amendment No. 7.

A record vote was requested.

The motion to table prevailed by (Record 57): 91 Yeas, 50 Nays, 2 Present, not voting.

Yeas — Alexander; Bailey; Bosse; Burnam; Capelo; Carter; Chavez; Coleman; Cook; Counts; Crownover; Danburg; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farrar; Garcia; Geren; Giddings; Glaze; Gray; Gutierrez; Hardcastle; Hawley; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Hupp; Janek; Jones, E.; Jones, J.; Junell; Keel; King, T.; Kitchen; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Morrison; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Puente; Ramsay; Rangel; Reyna, A.; Ritter; Sadler; Salinas; Solis; Swinford; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; Williams; Wilson; Wise; Yarbrough; Zbranek.

Nays — Allen; Averitt; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Clark; Corte; Crabb; Craddick; Davis, J.; Delisi; Driver; Farabee; George; Goolsby; Green; Haggerty; Hamric; Hartnett; Heflin; Hilderbran; Hill; Howard; Hunter; Isett; Jones, D.; Keffer; Kolkhorst; McCall; Miller; Mowery; Nixon; Pitts; Raymond; Reyna, E.; Seaman; Shields; Smith; Smithee; Solomons; Talton; West; Wohlgemuth; Wolens; Woolley.

Present, not voting — Mr. Speaker(C); Truitt.

Absent, Excused — Denny; Hilbert.

Absent — Flores; Gallego; Goodman; Grusendorf; King, P.

STATEMENT OF VOTE

I was shown voting present, not voting on Record No. 57. I intended to vote no.

Truitt

Amendment No. 8

Representative Eiland offered the following amendment to **CSHB 5**:

Amend **CSHB 5** as follows:

(1) On page 2, line 7, between "behind" and "the last", insert "or underneath".

(2) On page 4, between lines 7 and 8, insert the following:

"(g) If the reference in Subsection (a) (2) (C) to the area underneath the last upright seat of the vehicle results in the loss of federal highway funds, that provision refers only to the area behind the last upright seat of the vehicle."

A record vote was requested.

Amendment No. 8 failed of adoption by (Record 58): 45 Yeas, 96 Nays, 1 Present, not voting.

Yeas — Bonnen; Callegari; Chisum; Coleman; Cook; Counts; Deshotel; Dutton; Eiland; Farrar; Flores; Gallego; Garcia; George; Geren; Glaze; Gray; Hardcastle; Homer; Hupp; Jones, E.; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Lewis, G.; Lewis, R.; McReynolds; Moreno, J.; Morrison; Pitts; Ritter; Sadler; Salinas; Solis; Swinford; Telford; Turner, B.; Uher; Uresti; Walker; Wilson; Yarbrough; Zbraneck.

Nays — Alexander; Allen; Averitt; Bailey; Berman; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Christian; Clark; Corte; Crabb; Craddick; Davis, J.; Davis, Y.; Delisi; Driver; Dukes; Dunnam; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Goodman; Goolsby; Green; Grusendorf; Hamric; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Hope; Hopson; Howard; Hunter; Isett; Janek; Jones, D.; Jones, J.; Junell; Keel; Krusee; Kuempel; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McClendon; Menendez; Merritt; Miller; Moreno, P.; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Seaman; Shields; Smith; Smithee; Solomons; Talton; Thompson; Tillery; Truitt; Turner, S.; Villarreal; West; Williams; Wise; Wohlgemuth; Wolens; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Denny; Hilbert.

Absent — Crossover; Danburg; Giddings; Gutierrez; Haggerty; McCall.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 58. I intended to vote no.

Bonnen

When Record No. 58 was taken, I was in the house but away from my desk. I would have voted no.

Crossover

When Record No. 58 was taken, my vote failed to register. I would have voted no.

McCall

I was shown voting yes on Record No. 58. I intended to vote no.

Solis

I was shown voting yes on Record No. 58. I intended to vote no.

Uresti

CSHB 5, as amended, was passed to engrossment. (Hupp recorded voting no)

CSHB 757 ON SECOND READING (by Coleman)

CSHB 757, A bill to be entitled An Act relating to the establishment of a task force to eliminate health and health access disparities in Texas.

Amendment No. 1

Representative Coleman offered the following amendment to **CSHB 757**:

Amend **CSHB 757** as follows:

(1) on page 1, line 22, strike "short-" and substitute "short-term".

(2) on page 3:

(A) line 7, strike "; or" and substitute ";".

(B) line 8, between "populations" and the period, insert "; or

(6) community-based health organizations";

(C) lines 13 and 14, strike "A member serves for a term of two years. Terms expire February 1 of each odd-numbered year." and substitute "Members serve staggered two-year terms. Four or five members' terms expire February 1 of each year.".

(D) between lines 14 and 15, insert:

(f) An appointment to fill a vacancy for the unexpired term of a council member shall be made not later than the 90th day after the date the position becomes vacant.

(3) on page 4, line 1, strike "expire February 1, 2003." and substitute "shall be determined by lot so that:

(1) five members' terms expire February 1, 2003; and

(2) four members' terms expire February 1, 2004."

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Corte offered the following amendment to **CSHB 757**:

Amend **CSHB 757** as follows:

On page one strike section 107.002 and insert the following new section:
Sec. 107.002 PURPOSE. The purpose of the task force is to:

(1) study ways to eliminate health and health access disparities among Texans, and

(2) recommend to the Legislature the action needed to create an environment where the private sector may address those disparities.

Representative Coleman moved to table Amendment No. 2.

The motion to table prevailed.

Amendment No. 3

Representative Chavez offered the following amendment to **CSHB 757**:

Amend **CSHB 757** on page 3, line 10, by adding between "state" and the period: "including urban and rural areas of the state adjacent to the border with the United Mexican States".

Amendment No. 3 was adopted without objection.

A record vote was requested.

CSHB 757, as amended, was passed to engrossment by (Record 59): 76 Yeas, 66 Nays, 1 Present, not voting.

Yeas — Alexander; Bailey; Bosse; Burnam; Capelo; Chavez; Coleman; Cook; Counts; Danburg; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Farabee; Farrar; Flores; Gallego; Garcia; Giddings; Glaze; Gray; Gutierrez; Hawley; Hinojosa; Hochberg; Hodge; Homer; Hopson; Hunter; Jones, J.; Junell; Kitchen; Lewis, G.; Lewis, R.; Longoria; Luna; Martinez Fischer; Maxey; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Puente; Rangel; Raymond; Reyna, A.; Ritter; Sadler; Salinas; Solis; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Wilson; Wise; Wolens; Yarbrough; Zbranek.

Nays — Allen; Averitt; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Callegari; Carter; Chisum; Christian; Clark; Corte; Crabb; Craddick; Crownover; Davis, J.; Delisi; Driver; Elkins; Goodman; Goolsby; Green; Grusendorf; Haggerty; Hamric; Hardcastle; Hartnett; Heflin; Hilderbran; Hill; Hope; Howard; Hupp; Isett; Janek; Jones, E.; Keel; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Madden; Marchant; McCall; Merritt; Miller; Morrison; Mowery; Pitts; Ramsay; Reyna, E.; Seaman; Shields; Smith; Smithee; Solomons; Swinford; Talton; Truitt; Walker; West; Williams; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Denny; Hilbert.

Absent — Ellis; George; Geren; Jones, D.; King, T.

STATEMENTS OF VOTE

When Record No. 59 was taken, I was temporarily out of the house chamber. I would have voted no.

Geren

I was shown voting no on Record No. 59. I intended to vote yes.

Ramsay

**CSHB 958 ON SECOND READING
(by Burnam)**

CSHB 958, A bill to be entitled An Act relating to the annexation of county roads.

CSHB 958 was passed to engrossment.

**HB 1086 ON SECOND READING
(by Solis, Swinford, Flores, and Coleman)**

HB 1086, A bill to be entitled An Act relating to a grant program to provide surplus agricultural products to organizations that serve needy or low-income individuals.

HB 1086 was passed to engrossment.

**HB 1110 ON SECOND READING
(by Hilbert)**

HB 1110, A bill to be entitled An Act relating to the North Harris County Regional Water Authority.

Amendment No. 1 (Committee Amendment No. 1)

Representative Counts offered the following committee amendment to **HB 1110**:

Amend **HB 1110** as follows:

On page 1, line 11, insert the words "for nonemergency purposes" after the word "water" and before the word "from".

(Speaker pro tempore in the chair)

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Hamric offered the following amendment to **HB 1110**:

Amend **HB 1110** as follows:

(1) On page 1, line 11, between "(b)" and "if", insert "only".

(2) On page 1, line 11, between "if" and ":", insert "the territory meets both of the following criteria".

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative R. Lewis offered the following amendment to **HB 1110**:

Amend the House Committee Report for **HB 1110** as follows:

(1) Add a new SECTION 1 to read as follows and renumbering the remaining

SECTIONS accordingly:

SECTION 1. Section 1.02, Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, is amended by adding Paragraph (12) to read as follows:

(12) "Groundwater Reduction Plan" means a plan adopted or implemented to supply water, reduce reliance on groundwater, regulate groundwater pumping and water usage, or require and allocate water usage among persons in order to comply with or exceed the minimum requirements imposed by the subsidence district, including any applicable groundwater reduction requirements.

(2) Strike SECTION 3 of the House Committee Report and insert in lieu thereof the following:

SECTION 3. Section 4.01, Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, is amended by amending Subsection (b) and adding new subsections (e) through (h) to read as follows:

(b) The authority may:

(1) provide for the conservation, preservation, protection, recharge, and prevention of waste of groundwater in a manner consistent with the purposes of Section 59, Article XVI, Texas Constitution;

(2) for the purposes of reducing groundwater withdrawals and subsidence, acquire or develop surface water and groundwater supplies from sources inside of or outside of the boundaries of the authority and may conserve, store, transport, treat, purify, distribute, sell, and deliver water to persons, corporations, municipal corporations, political subdivisions of the state, and others, inside of and outside of the boundaries of the authority;

(3) enter into contracts with persons, including political subdivisions of the state, on terms and conditions the board considers desirable, fair, and advantageous for the performance of its rights, powers, and authority under this Act;

(4) coordinate water services provided inside of, outside of, or into the authority; ~~and~~

(5) provide for the reduction of groundwater withdrawals by the development, implementation, or enforcement of a groundwater reduction plan as provided in Section 4;

(6) identify sources of water other than groundwater to be provided by the authority;

(7) specify the rates, terms and conditions under which sources of water other than groundwater will be provided by the authority, which may be changed from time to time as deemed necessary by the authority;

(8) specify the dates and extent to which each person or district within the authority's boundaries shall accept water from the authority; and

(9) administer and enforce the provisions of the Act.

(e) The authority may develop, implement, participate in, and enforce a groundwater reduction plan. A groundwater reduction plan developed, implemented, participated in or enforced by the authority shall be binding on persons, districts, entities and wells within the authority's boundaries.

(f) The authority may contract on such terms as are mutually agreeable with any person or district located outside the authority to allow the person or district to be included in the authority's groundwater reduction plan. Such

contracts shall have the same force and effect as if the person or district were located within the authority, except that the person or district shall not have the right to vote in elections for members of the board of the authority.

(g) The plan authorized by subsection (e) may be amended from time to time at the discretion of the authority subject to the requirements and procedures of the subsidence district applicable to the amendment of groundwater reduction plans.

(h) The groundwater reduction plan developed by the authority may exceed the minimum requirements imposed by the subsidence district, including without limitation any applicable groundwater reduction requirements.

(3) Strike SECTION 6 of the House Committee Report and insert in lieu thereof the following:

SECTION 6. Article 4, Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, is amended by adding Section 4.14 to read as follows:

Sec. 4.14 INCLUDED DISTRICTS. A district inside of the authority's boundaries retains its separate identity, powers, and duties, except that the district is subject to the powers and duties of the authority, including those powers and duties of the authority necessary to develop, implement, and enforce a groundwater reduction plan.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Cook offered the following amendment to **HB 1110**:

Amend **HB 1110** by striking SECTION 4 of the bill and inserting in lieu thereof the following:

SECTION 4. Section 4.08, Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, is amended to read as follows:

Sec. 4.08. EMINENT DOMAIN. (a) The authority may exercise the power of eminent domain inside the boundaries of the authority [in the manner provided in Chapter 21, Property Code,] to acquire property of any kind to further the authorized purposes of the authority. [The authority may not exercise the power of eminent domain outside the boundaries of the authority:]

(b)(1) The authority may exercise the power of eminent domain outside the boundaries of the authority to acquire any land, easements or other property for purposes of pumping, treating, storing and transporting water.

(2) The authority may not use the power of eminent domain granted by subsection (b)(1) for the condemnation of land for the purpose of acquiring rights to underground water or water or water rights.

(3) The authority may not use the power of eminent domain granted by subsection (b)(1) to acquire property of any kind that is:

(A) owned by a municipality with a population of 1.6 million or more or any instrumentality of a municipality with a population of 1.6 million or more, including any local government corporation created by the municipality; or

(B) located within the corporate boundaries of a municipality with a population of 1.6 million or more for limited or general purposes as of February 1, 2001.

(4) Notwithstanding subsection (b)(3)(B), the authority may use the power of eminent domain granted by subsection (b)(1) to acquire property:

(A) within the corporate boundaries of a municipality with a population of 1.6 million or more, if:

(i) the condemnation is to be used to provide facilities between two points that are within the authority; and

(ii) the area within the municipality is bounded by a line parallel to and 150 feet north of the north side of Greens Bayou and by a line parallel to and 150 feet south of the south side of Greens Bayou;

(B) that is within the corporate boundaries of a municipality with a population of 1.6 million and annexation of the territory by the municipality was completed between January 1, 1962, and January 1, 1964; or

(C) that is within an area of the corporate boundaries of a municipality with a population of 1.6 million or more, if the municipality grants permission for such condemnation.

(c) The power of eminent domain granted by subsections (a) and (b) shall be exercised in the manner provided in Chapter 21, Property Code, except that the authority shall not be required to give bond for appeal or bond for costs in any condemnation suit, or other suit to which it is a party, and shall not be required to deposit more than the amount of any award in any suit.

(d) When exercising the power of eminent domain granted by subsections (a) and (b), the authority may elect to condemn either the fee simple or a lesser property interest.

Amendment No. 4 was adopted without objection.

HB 1110 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE HAMRIC: Chairman Counts, does **HB 1110** add any territory to the authority?

REPRESENTATIVE COUNTS: No, ma'am.

HAMRIC: Isn't it true that **HB 1110** only removes territory from the authority of a municipal utility district that has no well in the authority?

COUNTS: Yes.

HAMRIC: If a MUD gets its water from a well inside the authority, does that MUD territory stay just like it was under **HB 2965** from last session?

COUNTS: Yes, it's status quo.

HAMRIC: If **HB 1110** passes as it stands right now, would a municipal utility district that has a well inside the authority and a well outside the authority remain split?

COUNTS: Yes, it would be status quo for that MUD.

HAMRIC: Thank you, Chairman Counts.

REMARKS ORDERED PRINTED

Representative Hamric moved to print remarks by Representative Hamric and Representative Counts.

The motion prevailed without objection.

HB 1110, as amended, was passed to engrossment.

CSHB 1264 ON SECOND READING
(by Clark)

CSHB 1264, A bill to be entitled An Act relating to an exception to the presumption that all appropriate persons have given consent to a municipal annexation.

CSHB 1264 was passed to engrossment.

HB 1402 ON SECOND READING
(by Cook)

HB 1402, A bill to be entitled An Act relating to authorizing the School Land Board to approve the release of the state's interest in land in certain circumstances.

HB 1402 was passed to engrossment. (Shields recorded voting no)

CSHB 1632 ON SECOND READING
(by P. King)

CSHB 1632, A bill to be entitled An Act relating to certain requirements in connection with suits for the termination of the parent-child relationship and the adoption of children.

CSHB 1632 was passed to engrossment.

HB 1683 ON SECOND READING
(by Goolsby, McCall, Hodge, and Marchant)

HB 1683, A bill to be entitled An Act relating to the powers of certain transportation authorities and to the exercise of those powers.

Amendment No. 1

Representative Y. Davis offered the following amendment to **HB 1683**:

Amend **HB 1683** by striking page 1, lines 21-23, and substituting the following:

(4) pledge all or part of funds the federal government has committed to the authority as grants in aid.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative J. Jones offered the following amendment to **HB 1683**:

Amend **HB 1683** by striking the period on page 2, line 10, and inserting the following:

, with annual reviews as needed.

Amendment No. 2 was adopted without objection.

HB 1683, as amended, was passed to engrossment.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Appropriations, upon adjournment today, to consider the marking up of the Department of Health and the Department of Mental Health and Mental Retardation.

(Speaker in the chair)

Environmental Regulation, upon adjournment today, instead of posted time of 2 p.m., regular meeting room.

Transportation, upon adjournment today, regular meeting room, for a regular committee hearing.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

CSHB 5 - STATEMENTS OF VOTE

I was shown voting yes on Record No. 55 (CSHB 5, Amendment No. 2, motion to table). I intended to vote no.

Hopson

When Record No. 56 (CSHB 5, Amendment No. 5, adoption) was taken, I was temporarily out of the house chamber. I would have voted no.

Olivo

ADJOURNMENT

Representative Ellis moved that the house adjourn until 10 a.m. tomorrow in memory of Morris Clemmons of Woodville.

The motion prevailed without objection.

The house accordingly, at 2:43 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 3635 (By Cook), Relating to the creation, administration, powers, duties, operation, and financing of the Wharton County Drainage District. To Natural Resources.

HCR 222 (By Delisi), Requesting the Texas delegation to the Congress of the United States to support and work to pass, retroactive tax relief that would refund a portion of the 2001 non-Social Security budget surplus to the American people.

To Ways & Means.

HCR 223 (By Coleman), Directing the Texas Department of Health to prepare a list of foods and beverages fortified with calcium for use by each primary and secondary school in Texas.

To Public Health.

HR 575 (By Clark), Recognizing September 29, 2001, as Gene Autry Day.

To Rules & Resolutions.

HR 576 (By B. Turner), Welcoming kindergarten and first grade students of Packsaddle Elementary School to the State Capitol on April 10, 2001.

To Rules & Resolutions.

HR 578 (By Goolsby), Recognizing March 21, 2001, as Southwest Airlines Day at the State Capitol and commending the airline's employees.

To Rules & Resolutions.

HR 579 (By Hill), Honoring the Richardson Republican Women's Club.

To Rules & Resolutions.

HR 580 (By West), In memory of Roy E. Pitts of Star Harbor.

To Rules & Resolutions.

SB 4 to Transportation.

SB 89 to Criminal Jurisprudence.

SB 251 to Criminal Jurisprudence.

SB 268 to Transportation.

SB 410 to State Affairs.

SB 492 to Transportation.

SB 522 to Pensions & Investments.

SB 607 to Economic Development.

SB 866 to State Affairs.

SJR 16 to Transportation.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 21

HCR 136

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1**MESSAGE FROM THE SENATE****SENATE CHAMBER**

Austin, Texas

Tuesday, March 20, 2001

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:**SB 406** Cain

Relating to the preservation of rail facilities by the Texas Department of Transportation.

SB 431 Carona

Relating to a specialty insurance agent license for certain persons who rent real property for residential use.

SB 483 Duncan

Relating to allowing certain retired sheriffs to carry a handgun.

SB 524 Armbrister

Relating to participation by private school students in University Interscholastic League sponsored activities.

SB 591 Barrientos

Relating to the execution of certain writs in an action to determine possession of certain leased premises.

SB 783 Truan

Relating to the emergency possession of and termination of the parent-child relationship of certain abandoned children.

SB 826 Truan

Relating to the location of public education schools, programs, and classes.

SB 925 Brown, J. E. "Buster"

Relating to the procurement powers of certain navigation districts and port authorities.

SB 1035 West, Royce

Relating to the preparation of a judgment in a criminal case.

Respectfully,

Betty King

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

March 19

Agriculture & Livestock - **HB 2354, HB 2390, SB 331, SB 717**

Business & Industry - **HB 1840, SB 198**

Civil Practices - **HB 845, HB 1047, HB 1364, HB 1515**

Corrections - **HB 223, HB 772, HB 1314**

County Affairs - **HB 385, HB 1619**

Criminal Jurisprudence - **HB 63, HB 376, HB 511, HB 599, HB 1071, HB 1093, HB 1654, HB 2560, SB 18, SB 24, SB 199**

Elections - **HB 1496**

Environmental Regulation - **HB 1027, HB 1099**

Juvenile Justice & Family Issues - **HB 706, HB 1266, HB 1377**

Public Health - **HB 342, HB 1072**

Public Safety - **HB 968**

State, Federal & International Relations - **HB 271**

Transportation - **HB 299, HB 1664, HB 1665, HB 1739**

Ways & Means - **HB 16, HB 1241**